

DOLORES GEORGIAN NANCE,
et al.,

Plaintiffs,

vs.

GUIDANT CORPORATION, et al.,

Defendants.


On December 9, 2008, I stayed all pretrial proceedings and deadlines in this case pending transfer of the case to MDL No. 1708 for coordinated and consolidated pretrial proceedings. Plaintiffs have asked me to temporarily lift the stay in this case for two purposes: First, plaintiffs would like to supplement the certified copy of state court proceedings filed by defendants when this case was removed. Plaintiffs would like to add to that record a “Motion for Leave to File First Amended Petition and to Substitute Party Defendant” that they filed in the Circuit Court of the City of St. Louis prior to removal. Second, plaintiffs would like me to rule on this Motion for Leave to Amend, so that they may substitute Robert C. Bucher, Jr. for “John Doe” in the complaint, and may obtain service of process on this new defendant.

I will temporarily lift the stay in this case so that plaintiffs may add the Motion for Leave to Amend to the certified copy of state court proceedings. I will not, however, rule on this motion, as plaintiffs have requested. This motion may properly be resolved by the Guidant MDL Court following final transfer.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' Motion for Temporary Relief from Stay [#19] is granted in part and denied in part; the stay is lifted only to the extent that plaintiffs may supplement the record to add the Motion for Leave to Amend that was filed in state court.

IT IS FURTHER ORDERED that the Clerk shall file plaintiffs' motion [#20-2] as a supplement to the certified state court record, and not as a motion to be ruled on in this case.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of March, 2009.